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Remarks

Reconsideration is requested of the application in which claims 1-25 remain pending. No new amendments to the claims are made. Applicants gratefully acknowledge the indication that claim 24 contains allowable subject matter.

Claim Rejections - 35 U.S.C. §103:

Claims 1-14, 16-21 and 25 are rejected under 35 U.S.C. §103 in view of Mills (U.S. Patent Application US Patent No. 5,890,063) and Ahrens US Patent No. 5,848,144). Applicants respectfully traverse the rejections as explained below.

Applicants respectfully submit that the applied references, with or without combination, assuming, *arguendo*, that the combination of the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Claim 1 is directed to a method of migrating subscribers from a first network to a second network. At least one connection is transferred from one other network to a gateway mobile switching center of the second network. Directing a call to a subscriber of the first network from the other network to the gateway mobile switching center of the second network, where the second network employs a network technology different than the network technology employed by the first network.

In the Office Action it was acknowledged that Mills did not teach that the first network employed a different technology than the second network. Ahrens was cited to provide the missing teaching of having first and second network using different technologies. Applicants respectfully traverse that such a teaching is provided by Ahrens.

In the Office Action, Ahrens was stated to disclose a switch cutover where the cutover replaced obsolete technology based on column 2, lines 22-34 of Ahrens. This passage reads:

As can be seen by the advantages provided by such a system, replacement of a technologically obsolescent exchange with an exchange that embodies the state of the art in telecommunications switching products becomes desirable so that more features, or traffic, and support for state-of-the-art telecommunications services may be provided. Often such a transition is performed by replacing the entire switching system of the exchange together with its interface connections to subscriber lines and trunk circuits connecting the exchange to the remainder of the telecommunications network.

Based on this teaching of Ahrens, a conclusion was drawn in the Office Action that, "Since an obsolete network is being replaced with a newer network, the two networks must use different technologies...." Applicants respectfully disagree with this conclusion. First, there is nothing inherent in replacing an obsolete exchange (switch) with a newer switch that requires that the newer switch utilize a "different network technology" than the older switch. For example, replacing an older bipolar transistor with a newer "technology" transistor would be satisfied by utilizing a newer bipolar transistor with improved characteristics, wherein the bipolar technology of the older and newer transistors is the same.

In accordance with the rules of claim construction, one must look to the specification to determine what is meant by "different network technologies" as utilized in claim 1 and other pending claims. As stated on page 4 of the specification:

Network A 101 and Network B 115 may be any wireless networks, such as analog, TDMA, CDMA, CDMA 2000, UMTS, and GSM. For example, the network provider may desire to migrate its subscribers from a TDMA system to a GSM system.

Therefore, a different network technology means that a second network utilizes a technology that is different from a first network where the signaling and protocols of the second

technology differ from, and are not directly compatible with, the first technology. For example, a network utilizing TDMA technology utilizes signaling and protocols different from a GSM technology such that the two technologies are not directly compatible.

The cutovers from a first switch to a second switch as described in Ahrens do not involve a change of "network technology" as one of ordinary skill in the art would understand. Ahrens discusses changing from a 1A switch to a 5ESS switch, and from a 1A switch to a DMS-100 switch. Although the internal operation of these switches is different, there is no network technology difference in that the rest of the network operates in conjunction with any of the switches in the same way, i.e. after the cutover is made, the same signaling and protocol is utilized for communicating with the newer exchange as was utilized with the previous exchange. Thus, Ahrens teaches away from the requirement in accordance with claim 1 which requires different network technologies as understood in accordance with the present application.

Therefore, the combination of Ahrens and Mills does not satisfy the requirements of claim 1. The withdrawal of the rejection of claim 1 is requested.

Independent method claim 10 and independent apparatus claim 16 are believed to be allowable over the applied art for similar reasons as given for claim 1.

Claim 25 was also rejected under 35 U.S.C. 103 based on the same references applied in rejecting claim 1. Claim 25 specifically recites that the first network comprises one of an analog network technology, a time division multiple access network technology, a code division multiple access network technology, a global system for mobile communication network technology, or a universal mobile telecommunication system technology. It further specifies that the technology of the second network comprises a different one of the same set of network technologies as described for the first network.

For the reasons explained above with regard to claim 1, it is submitted that the requirement that the first and second networks comprise different network technologies is not disclosed or suggested by Ahrens.

In the Office Action, official notice was taken that a TDMA network is known in the art. The law is well settled that a proper prima facie grounds for rejecting a claim under 35 U.S.C. 103 requires more than merely finding each of the elements/limitations are individually known. There must be a reasonable suggestion provided by the art of record of a reason that would cause one of ordinary skill in the relevant art to combine the teachings and elements of the different references. As explained above, the applied art provides no such suggestion with regard to the requirement of requiring first and second network of different network technologies as properly understood in accordance with the present application. Therefore, claim 25 is not rendered obvious based on the applied grounds of rejection.

Pursuant to MPEP 706.07(c), it would be inappropriate to make an Office Action final should new references be applied in support of a rejection of claims since Applicants have made no amendments to these claims to necessitate such a change of position. Since the last office action was made final, the application of new prior art in view of no new amendments to the claims by Applicants should be made in a non-final office action.

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If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney Charles L. Warren, Reg. No. 27,407.

Respectfully submitted,



Charles L. Warren
Attorney for Applicant
Reg. No. 27,407

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PATTI & BRILL, LLC
Customer Number 32205